

Message Text

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DODE-00 DOTE-00 EB-07 INR-07 NSAE-00 FAA-00 PM-04

H-02 L-03 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

OES-03 TRSE-00 OMB-01 /074 W
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R 201834Z JAN 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 7014

INFO AMEMBASSY LONDON

FAA BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 PARIS 01849

E. O. 11652: GDS

TAGS: EAIR, FR, UK, US

SUBJ: CIVAIR: PLANNING FOR CONCORDE ENTRY DECISION

REF: (A) STATE 10979, (B) PARIS 744, (C) PARIS 431,
(D) PARIS 426

1. SUMMARY--IN RESPONSE REF (A) WE BELIEVE GOF WOULD FIND PARTIAL, EXPERIMENTAL SOLUTION AT DULLES FOR CONCORDE DISCRIMINATORY AND HENCE UNACCEPTABLE. MAIN OBJECTION WOULD PROBABLY BE THAT TESTING OF CONCORDE IMPACT AFTER SUCH PROGRAM WOULD BE TANTAMOUNT TO ERECTING YET ANOTHER EIS BARRIER. OUR CREDIBILITY WOULD SUFFER GREATLY. ANY SUCH SOLUTION SHOULD BE EXPLORED BEFOREHAND WITH FRENCH AND BRITISH. END SUMMARY.

2. REF (A) REQUESTED OUR ASSESSMENT OF LIKELY GOF REACTION SHOULD USG OPT FOR "PARTIAL SOLUTION" ON CONCORDE, SUCH AS LIMITED NUMBER OF FLIGHTS TO DULLES FOR A LIMITED PERIOD ON EXPERIMENTAL BASIS TO TEST IMPACT. IT IS NOT ENTIRELY CLEAR FROM REFTEL, HOWEVER, WHICH OF TWO ALTERNATIVE HYPOTHESES IS
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ADDRESSED: (A) ADMISSION TO DULLES ON TRIAL BASIS

WITH JFK BEING DEFINITELY RULED OUT BY USG DECISION;
OR (B) POSTPONEMENT OF FINAL DECISION BY USG
ON SERVICE TO BOTH JFK AND DULLES UNTIL FURTHER STUDY
OF IMPACT OF PROBATIONARY FLIGHTS THAT WOULD BE
PERMITTED TO OPERATE TO DULLES FOR LIMITED PERIOD.
PHRASE "ON AN EXPERIMENTAL BASIS" SUGGESTS REF (A)
EXAMPLE WOULD REFER TO ALTERNATIVE (B) ABOVE.

3. REF (B) HAS ALREADY REPORTED PUBLICLY STATED
VIEWS OF GOF REPS THIS SUBJECT. ABRAHAM WOULD APPEAR
TO HAVE BEEN REFERRING TO DECISION ALONG LINES OF
(A) ABOVE AS "BAD" DECISION, AND (B) ABOVE AS KIND OF
EXPERIMENTAL SOLUTION THAT WOULD BE "UNACCEPTABLE".
CAVILLE'S POSITION CLEARLY SEEMS TO BE THAT BOTH
(A) AND (B) ABOVE WOULD BE "DISCRIMINATORY", AND
AS SUCH UNACCEPTABLE TO GOF. IN MEANTIME, WE HAVE
HAD OPPORTUNITY SOUND OUT GUIBE, WHO IS DIRECTOR
OF CONCORDE PROGRAM AT SGAC AND BINNING'S COUNTERPART
ON THE FRENCH SIDE. WE DID THIS IN PASSING IN
CONVERSATION COVERING A BROAD RANGE OF QUESTIONS
RELATING TO CONCORDE IN CONTEXT OF PRESS SPECULATION
OVER PARTIAL SOLUTION AND CAVAILLE'S REMARKS THIS
SUBJECT IN HIS TV INTERVIEW REPORTED REF (B). GUIBE
STATED FLATLY THAT GOF WOULD CONSIDER DISCRIMINATORY
ANY USG DECISION ON AMENDMENT CARRIER OP SPECS
THAT DIFFERENTIATED BETWEEN DULLES AND JFK.

4. THE REASONS FOR GOF OBJECTION TO A PARTIAL OR
EXPERIMENTAL SOLUTION ARE NOT HARD TO GUESS. THE
FRENCH HAVE APLIED FOR WHAT IS ALREADY LIMITED
SERVICE TO THE US FOR A SPECIFIED NUMBER OF FLIGHTS
TO TWO SPECIFIC AIRPORTS. OF THE TWO POINTS THEY
WISH TO SERVE, NEW YORK IS BY FAR THE MORE IMPORTANT
FOR REVENUE PURPOSES AND THE NEW YORK ROUTE IS THE

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C O N F I D E N T I A L SECTION 02 OF 03 PARIS 01849

ONE CONCORDE WAS DESIGNED PRINCIPALLY TO SERVE. MOREOVER, THEY CONSIDER THAT AMENDMENT OF CARRIER OP SPECS, WHICH IS THE ISSUE TO WHICH THE USG IS ADDRESSING ITSELF IN THE FIRST INSTANCE, IS OR SHOULD BE A DECISION TAKEN ESSENTIALLY ON TECHNICAL GROUNDS. THEY COULD SIMPLY NOT COUNTENANCE, THEREFORE, THAT THE USG WOULD CHOOSE TO AMEND CARRIER OP SPECS FOR ONLY ONE OF THE TWO ROUTES ON WHICH AIR FRANCE HAS APPLIED TO OPERATE CONCORDE AND THEN AUTHORIZE LANDINGS ONLY AT THAT AIRPORT OF DESTINATION, I.E., DULLES. THE FRENCH FULLY REALIZE (E.G., PARA 5 REF C) THAT IT WILL BE DIFFICULT AND PERHAPS IMPOSSIBLE TO OBTAIN A FAVORABLE DECISION ON LANDING RIGHTS AT JFK FROM THE NEW YORK PORT AUTHORITY. BUT SHOULD THE PORT AUTHORITY DECISION BE NEGATIVE, AIR FRANCE COULD AT LEAST WEIGH TRYING TO HAVE THE DECISION OVERTURNED BY THE COURTS, AND GIBBE DOES NOT RULE OUT THIS POSSIBILITY. A DECISION BY THE USG APPROVING AMENDMENT OF THE OP SPECS TO PERMIT SERVICE TO DULLES BUT DISAPPROVING SERVICE TO JFK WOULD RELIEVE THE
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NEW YORK PORT AUTHORITY FROM HAVING EVEN TO TAKE AND THEN TO DEFEND IN THE COURTS, IF NEED BE, A DECISION ON WHETHER CONCORDE COULD LAND AT JFK. THE GOF VIEW MIGHT BE THAT NOTWITHSTANDING DIFFERENCES BETWEEN FEDERAL AND LOCAL JURISDICTION, THE USG HAD IN EFFECT PRE-EMPTED NEW YORK BY IMPOSING A NEGATIVE DECISION AFTER HAVING CLAIMED IT COULD NOT PRE-EMPT AND OVER-RIDE EVENTUAL RESISTANCE OF THE NEW YORK LOCAL AUTHORITIES TO ACCEPT CONCORDE AT JFK.

5. PARA 6 REF (D) MADE MENTION OF ARGUMENT THAT AUTHORIZATION OF CONCORDE SERVICE TO DULLES ALONE

COULD BE DEPICTED AS AT LEAST A FOOT IN THE DOOR THAT IN THE LIGHT OF EXPERIENCE AND WITH TIME COULD PERHAPS INFLUENCE NEW YORK PORT AUTHORITY FAVORABLY TOWARDS GRANTING LANDINGS AT JFK. HOWEVER, AS WE NOTED, THIS IS LITTLE MORE THAN A DEBATING POINT; WHILE IT MIGHT HAVE SOME FACILE ATTRACTION FOR PUBLIC RELATIONS USE IT WOULD HARDLY BE VERY PERSUASIVE FOR OVERRIDING GOF OBJECTIONS TO USG EXCLUSION OF CONCORDE SERVICE TO NEW YORK.

6. IF IT CAME TO A CHOICE FOR THE FRENCH BETWEEN ON THE ONE HAND A PARTIAL, EXPERIMENTAL SOLUTION FOR DULLES ALONE ALONG THE LINES OF ALTERNATIVE (B) IN PARA 2 ABOVE, OR ON THE OTHER HAND A FINAL NEGATIVE DECISION AS OF NOW ON AMENDMENT OF OP SPECS FOR BOTH WASHINGTON, DC AND NEW YORK, THE GOF MIGHT WELL GO ALONG BEGRUDGINGLY WITH THE PARTIAL, EXPERIMENTAL SOLUTION. IT WOULD BE THAT OR NOTHING. AIR FRANCE COULD STILL OPERATE SOME REVENUE FLIGHTS TO DULLES, THOUGH CERTAINLY NOT UNDER OPTIMUM CONDITIONS OF OPERATING EFFICIENCY. HOWEVER, THE FRENCH WOULD PROBABLY CONSIDER THE ARRANGEMENTS TO BE NO LESS DISCRIMINATORY AND THEY WOULD LEAVE OPEN ALL OPTIONS FOR WHATEVER COUNTERMEASURES THEY MIGHT TAKE OR PLAN AGAINST US.

7. HOWEVER, WE HAVE SOME DIFFICULTY SEEING JUST WHAT JUSTIFICATION COULD BE ADVANCED ON OUR SIDE IN SUPPORT OF A PARTIAL, EXPERIMENTAL SOLUTION. WOULD
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IT DIMINISH THE FORCE OF OUTCRIES FROM THE ENVIRONMENTALIST LOBBIES? WOULD IT WIN FOR CONCORDE MORE FRIENDS IN CONGRESS AND THUS LESSEN CHANCES FOR ADOPTION OF A DEFINITIVE BAN ON SST FLIGHTS TO THE US? THE FRENCH MIGHT FEEL, ON THE CONTRARY, THAT TIME WOULD CONTINUE TO WORK AGAINST THEM BY GIVING THE ANTI-CONCORDE FORCES MORE OPPORTUNITY TO MOUNT AND PUBLICIZE ATTACKS AND TO BRING ADDED PRESSURE TO BEAR ON THE ADMINISTRATION TO INFLUENCE THE ULTIMATE DECISION.

8. GIVEN THE CARE THE ADMINISTRATION HAS DEVOTED TO DEMONSTRATING THAT THE CONCORDE APPLICATION IS RECEIVING FAIR AND EQUITABLE TREATMENT AS WE SCRUPULOUSLY ADHERE TO THE PROCEDURES REQUIRED UNDER OUR DOMESTIC LEGISLATION, IT SEEMS TO US THAT IT WOULD BE EXTREMELY DIFFICULT FOR US NOW TO CONTEND THAT THOSE PROCEDURES, METICULOUS AND EXHAUSTIVE AS THEY HAVE BEEN, HAVE STILL NOT PROVIDED US WITH THE

MEANS FOR REACHING A FINAL DECISION ON THE BASIS
OF ALL THE FACTS NOW IN HAND. IF THE NOISE DATA, FOR
EXAMPLE, GIVEN IN THE FINAL EIS IS ACCURATE, AS

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PRESUMABLY IT IS, THEN WHAT MORE DATA MIGHT AN
EXPERIMENTAL PROGRAM OF FLIGHTS TO DULLES USEFULLY
PRODUCE? MOREOVER, IT WOULD SEEM SOMEWHAT IRONIC
IF OSTENSIBLY FOR DATA-GATHERING PURPOSES WE NOW
PROPOSED AN EXPERIMENTAL PROGRAM OF FLIGHTS
AND THUS DELAY OUR OWN FINAL DECISION, WHEN FRENCH
AND THE BRITISH HAD EARLIER PROPOSED A SERIES OF
ROUTE-PROVING FLIGHTS THAT WOULD HAVE SERVED THE
ABOVE PURPOSE BUT PLANS WERE ABANDONED IN AGREEMENT
WITH FAA IN ORDER NOT TO DELAY ISSUANCE OF THE
EIS AND HENCE OF THE USG DECISION. (GUIBE TELLS US
ROUTE-PROVING FLIGHTS ARE NO LONGER A PREREQUISITE
FOR COMMENCEMENT OF CONCORDE COMMERCIAL SERVICE TO
WASHINGTON, DC AND NEW YORK.)

9. THE MAIN GOF OBJECTION TO A PARTIAL, EXPERIMENTAL SOLUTION, HOWEVER, WOULD PROBABLY BE THAT IT IS DISCRIMINATORY IN THE SENSE OF ERECTING A NEW AND UNIQUE OBSTACLE TO CONCORDE IN THE FORM OF WHAT WOULD IN EFFECT BE YET ANOTHER EIS SPECIFICALLY EVALUATING THE IMPACT
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OF THE FLIGHTS INTO DULLES DURING THE EXPERIMENTAL PERIOD. IN FRENCH EYES THIS WOULD DEBASE THE WHOLE EIS PROCEDURE AS THEY HAVE COME TO UNDERSTAND IT; OUR CREDIBILITY WOULD PLUMMET; AND SUSPICION OF AN ANTI-CONCORDE "CONSPIRACY" IN THE US WOULD SURELY MOUNT (COMING, AS A PARTIAL, EXPERIMENTAL SOLUTION WOULD, HARD ON THE HEELS OF THE HOUSE BAN ON CONCORDE FOR SIX MONTHS AND ESPECIALLY EPA'S NEW SST NOISE RULE PROPOSALS WHICH HAVE ALREADY PROVOKED VIGOROUS GOF REACTION AS REPORTED PARIS 1712).

L0. IF, NOTWITHSTANDING THE FOREGOING, THERE ARE PARAMOUNT REASONS WHY A PARTIAL, EXPERIMENTAL SOLUTION MIGHT HAVE TO BE ENVISAGED, WE WOULD URGE THAT IT BE DISCUSSED BEFOREHAND WITH THE FRENCH (AND THE BRITISH) IN AN EFFORT TO SOFTEN THEIR OBJECTIONS EVEN IF IT IS UNLIKELY WE COULD OBTAIN THEIR FULL CONCURRENCE WITH THAT COURSE. IF THEY WERE DISPOSED TO REJECT IT OUT OF HAND IT WOULD STILL BE BETTER FOR US TO BE ALERTED TO THIS BEFOREHAND.

11. WE ARE GRATEFUL FOR INDICATION PARA 3 REF (A) THAT EFFORT WILL BE MADE TO PROVIDE US WITH EXPLANATORY STATEMENT IN ADVANCE TO PERMIT SIMULTANEOUS RELEASE HERE WHEN USG ANNOUNCEMENT IS MADE. MAXIMUM LEAD TIME IS DESIRABLE SINCE WE MUST ALSO PREPARE FRENCH TRANSLATION.
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